REMARKS

At the time of the first Office Action in the Second Request for Continued Examination (RCE), the application contained claims 1-9 of which claim 1 was the sole independent claim.

In that Office Action, all of the claims were rejected as follows:

1. Claims 1-9 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement;
2. Claims 1-9 were rejected under 35 USC §112, second paragraph, as indefinite;
3. Claims 1-5 and 9 were rejected as obvious under 35 USC §103(a) over HAYASHI et al. (6,607,539) in view of LAU et al. (5,919,225); and
4. Claims 6-8 were rejected as obvious under 35 USC §103(a) over HAYASHI et al. in view of LAU et al. and further in view of BARRY et al. (6,277,126).

Applicants wish to thank Examiner Sarah K. Webb and her Supervisory Primary Examiner Julian Woo for the courteous and productive telephone interview with applicants' undersigned counsel on November 16, 2005.

As discussed during the interview, the present invention is directed to a self expanding stent having anchor members 52 adjacent its ends, and the stent is on a core wire 14. In the present invention, the improvement is in the releaseable retaining rings 19 and 21 which extend around the stent at the anchor members so as to compress the stent and the anchor members into gap 42 between the cylindrical members 16 and 18 (as seen in the amended drawings accompanying this reply) to retain the stent on the core wire 14. Because of the presence of the retaining rings at the anchor members, it is possible in the present invention to selectively release the distal anchor members 52 as shown in FIG. 5, by first releasing the distal retaining ring 21. If it is discovered that the stent has been deployed in an incorrect location, the distal anchor members can be retracted simply by withdrawal of the deployed distal anchor members back into the outer catheter 3 to retract the distal anchor members into their original non-deployed position in the catheter 3. This permits the stent to be repositioned to the correct position. This is possible because the proximal anchor members 52 have been retained in the gap 42 between the tubular members 16 and 18 by the proximal retaining

ring 19 which has not yet been released. Thus, the proximal anchor members 52 continue to hold the stent in place and prevent it from movement during the retraction and repositioning procedure. When repositioned, the catheter 3 is again withdrawn in the proximal direction so that the distal anchor members 52 and distal end of the stent will again redeploy as shown in FIG. 5.

When the stent has finally been deployed in its desired location in the vessel 58, the proximal retaining ring 19 is released as shown in FIG. 6 to permit the stent to fully expand and the catheter, released retaining rings 19 and 21 and core wire are removed as shown in FIG. 7.

As discussed during the telephone interview, applicants offered to amend the drawings to move the reference numeral 18 from the extreme distal cylindrical member to the shown but unnumbered cylindrical member which is immediately distal to the proximal cylindrical member 16 and beneath the stent 20. As shown in FIGS. 2-6 of the drawings, and probably best shown in FIG. 6, the cylindrical member as now numbered 18 is spaced at each end from the cylindrical members 16 and previously numbered 18 to define a distal gap (unnumbered) and the proximal gap 42. It is the proximal gap 42, as originally shown in FIG. 2, in which the proximal anchor members on the stent are retained during repositioning of the stent as described with respect to FIG. 5. In fact, the cylindrical member previously numbered 18 is not even needed in this repositioning procedure, or for that matter, in any of the steps of positioning of the stent due to the positive compression by the retaining rings 19 and 21 of the anchor members 52 (and particularly the proximal retaining ring 19) when the distal and/or proximal anchor members are either within or deployed from the outer catheter 3 and before release of the retaining rings 19 or 21.

It was agreed during the telephone interview that the transfer of the reference numeral 18 as described above should overcome the present §112 rejections.

Attached hereto is a copy of FIGS. 1-6 of the drawings as originally filed and containing proposed revisions in red in which such reference numeral 18 transfer is shown, and also including several additional minor revisions which are beleived to achieve further clarification. Approval of the enclosed proposed drawing revisions is requested.

Turning to the rejection of the claims under §103, HAYASHI et al. is directed to graft binding rings formed of a suture material on a self expanding graft in which the graft binding is

electrically severed when the graft is to be expanded. In FIGS. 4 and 5A HAYASHI et al. discloses a pair of spaced graft bindings 127 which encircle the graft 15, and resistive wire loops 130 which are attached within the graft to conductor wires to heat the resistive wire loops 130 to break graft bindings 127 to deploy the graft. The resistive wire loops 130 pass through passageways 145 in the graft to the exterior of the graft in the embodiment shown in FIGS. 4 and 5A of HAYASHI et al. – – the embodiment which has been relied upon in the rejection of the claims.

In the last Office Action the position was taken that the resistive wire loops 130 constitute "anchor members" and

> Since they **contact the stent** they are considered to meet the broad limitation "*placed on a strut member*".

as set forth in claim 1. See Office Action, end of paragraph 3 .

As discussed during the telephone interview, the resistive wire loops 130, even if they might be stretched to constitute "anchor members", do not "contact the stent" as clearly shown in FIGS. 4 and 5A of HAYASHI et al. They pass free and clear through the relatively large passageways 145 as shown. Thus, they are "not placed on the stent member" as claimed in claim 1 and as argued in the Office Action. And none of the remaining prior art relied upon to reject the claims discloses an "anchor member" which is "placed on a strut member" of a stent.

Additionally during the telephone interview, applicants further offered to amend the end of claim 1 to set forth that actuation of the retaining ring permits "said anchor member to move toward the wall of a vessel". The resistive wire loops 130 of HAYASHI et al. clearly not do that after they have severed the graft binding 127.

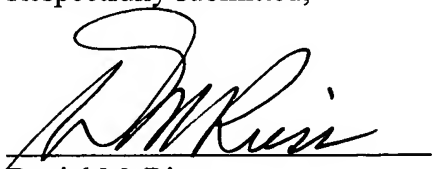
Moreover, none of the prior art relied upon in the rejection of the claims discloses or suggests any ability to retract the stent once it has been partially deployed and relocate it as in the present invention.

It was agreed at the close of the telephone interview that the application and claims as discussed during the telephone interview and as amended herein should define over the prior art currently relied upon in the rejection of the claims.

For the above reasons, it is respectfully submitted that all of the claims remaining in the present application, claims 1-9, are in condition for allowance. Accordingly, favorable reconsideration and allowance are requested.

Respectfully submitted,

Dated: 12/5/05

By: 

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